

Exhibit 4

Minute Entry dated July 29, 2024

Arizona Free Enterprise Club et al. v. Fontes et al.,
CV 2024-002760 (Maricopa County Superior Court)

Clerk of the Superior Court
*** Electronically Filed ***
08/01/2024 8:00 AM

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2024-002760

07/29/2024

HONORABLE JENNIFER RYAN-TOUHILL

CLERK OF THE COURT
A. Meza/M. Dern
Deputy

ARIZONA FREE ENTERPRISE CLUB, et al.

DANIEL W TILLEMANN

v.

ADRIAN FONTES, et al.

KARA MARIE KARLSON

NATHAN T ARROWSMITH
DAVID ANDREW GAONA
ROY HERRERA
AMERICA FIRST POLICY INSTITUTE
NO ADDRESS ON RECORD
PHILIP TOWNSEND
NO ADDRESS ON RECORD
TIMOTHY A LASOTA
ALEXIS E DANNEMAN
JOHN S BULLOCK
JUDGE RYAN-TOUHILL

MINUTE ENTRY

Prior to the commencement of these proceedings, Plaintiffs' exhibits 1 through 9 and Defendants' exhibits 1 through 35 are submitted electronically.

East Court Building – Courtroom # 414

10:01 a.m. This is the time set for consolidated Evidentiary Hearing regarding Plaintiffs' May 28, 2024, *Motion for Preliminary Injunction* and Oral Argument regarding Defendant Arizona Attorney General's May 31, 2024, *Motion to Dismiss* and Arizona Secretary of State's

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May 31, 2024, *Motion to Dismiss First Amended Complaint and Joinder in Arizona Attorney General's Motion to Dismiss*. Plaintiffs, Arizona Free Enterprise Club, Phillip Townsend, and America First Policy Institute, are represented by counsel, Andrew Gould, Brennan A.R. Bowen, and Dallin B. Holt, appearing for counsel of record, Daniel W. Tilleman. Defendant, Adrian Fontes, in his official capacity as Arizona Secretary of State, are represented by counsel, Karen J. Hartman-Tellez and Kyle Cummings, appearing for counsel of record, Kara M. Karlson. Defendant, Kris Mayes, in her official capacity as Arizona Attorney General, is represented by counsel, Joshua M. Whitaker, Shannon H. Mataele, and Nathan T. Arrowsmith. All appearances are in person.

A record of the proceedings is made digitally in lieu of a court reporter.

The Court has reviewed Plaintiffs' *Motion for Preliminary Injunction*, Defendants' respective motions to dismiss, and the parties' July 19, 2024, Lists of Witnesses and Exhibits.

Counsel report that the parties will not call any witnesses, but will present testimony through depositions and will present argument.

The Court notes Plaintiffs' *First Amended Complaint* was filed April 15, 2024. Plaintiffs' May 30, 2024, *Notice of Limited Voluntary Dismissal* dismissed claims in paragraphs 114 through 116, 126 through 128, and 146 through 148 of the *First Amended Complaint*.

Discussion is held regarding the issues to be presented today and the Court's initial inclinations and questions arising from the briefs.

Counsel for Plaintiffs presents oral argument.

10:13 a.m. Court stands at recess.

10:21 a.m. Court reconvenes with all counsel present.

A record of the proceedings is made digitally in lieu of a court reporter.

Upon the stipulation of the parties, Plaintiffs' exhibits 1 through 8, and Defendants' exhibits 1 through 35 are received in evidence.

The parties stipulation to the deposition testimony of Phillip Townsend, Scot Mussi, and Catherine Cypher, with the exception that Defendant Fontes's counsel objects to a certain portion of Catherine Cypher's deposition testimony.

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Oral argument is presented to the Court regarding page 65 line 4 though page 69 line 20 of Catherine Cypher's deposition.

IT IS ORDERED taking under advisement Defendant Fontes's objection to the page 65 line 4 though page 69 line 20 of Catherine Cypher's deposition.

Oral argument is presented regarding the issues raised in Plaintiffs' May 28, 2024, *Motion for Preliminary Injunction*.

Portions of the depositions of Phillip Townsend, Scot Mussi, and Catherine Cypher are read to the Court.

12:02 p.m. Court stands at recess.

1:27 p.m. Court reconvenes with counsel present.

A record of the proceedings is made digitally in lieu of a court reporter.

Additional oral argument is presented regarding Plaintiffs' *Motion for Preliminary Injunction*.

Additional portions of the deposition of Scot Mussi are read to the Court.

Plaintiffs' counsel makes an offer of proof regarding page 65 line 4 though page 69 line 20 of Catherine Cypher's deposition.

THE COURT FINDS that it took this issue under advisement this morning.

IT IS ORDERED permitting Plaintiffs' counsel to present the testimony. If the Court later determines that Defendant Fontes's objections to this portion of the testimony are valid, the Court will disregard that part of the testimony.

Portions of the depositions of Catherine Cypher are read to the Court.

2:53 p.m. Court stands at recess.

3:03 p.m. Court reconvenes with counsel present.

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Additional oral argument is presented regarding Plaintiffs' *Motion for Preliminary Injunction*.

Discussion is held regarding allotment of time for remaining matters.

LET THE RECORD REFLECT due to remaining time constraints, each side shall be allotted 20 minutes for these matters.

Oral argument is presented regarding the issues raised in Defendant Fontes's May 31, 2024, *Motion to Dismiss First Amended Complaint and Joinder in Arizona Attorney General's Motion to Dismiss*.

Based on the testimony heard and arguments made on the record,

IT IS ORDERED taking Plaintiffs' May 28, 2024, *Motion for Preliminary Injunction*, Defendant Arizona Attorney General's May 31, 2024, *Motion to Dismiss*, and Defendant Arizona Secretary of State's May 31, 2024, *Motion to Dismiss* [] under advisement.

THE COURT NOTES its appreciation for the professionalism and courtesy between the parties at today's hearing.

Discussion is held regarding submitting highlighted versions of the depositions to the Court. Parties stipulate to confer and provide said versions as soon as possible.

4:35 p.m. Matter concludes.

Later:

FILED:

- Deposition of Catherine Cypher, dated July 24, 2024
- Deposition of Scot Mussi, dated July 24, 2024
- Deposition of Phillip Townsend, dated July 22, 2024